

ATTORNEY CLIENT PRIVILEGED

CONCURRENCE REQUEST FOR ADMINISTRATIVE ACTION UNDER 16(A) OF
TSCA

TOXIC SUBSTANCES SECTION CONTACT: John Love *me*

DATE OF REQUEST: JUL 23 1993

NAME OF ALLEGED VIOLATOR: Marion Steel Company

ADDRESS: Marion, Ohio

CHEMICAL SUBSTANCES: PCBs

Description of Alleged Violations

The facility did not develop and maintain annual documents for calendar years 1983 through 1991, as required by 40 C.F.R. § 761.180(a). The facility was cited for a 761.180(a) violation in a Civil Complaint (TSCA-V-C-35-90) issued on March 6, 1990; CAFO signed on June 14, 1990.

COUNT I

No annual document for calendar year 1991.

Level - 3 (Significant recordkeeping violation)
Extent - Significant (901 gallons of fluid)
Penalty - \$9,000 (\$6,000 plus 50% for prior violation)

COUNT II

No annual document for calendar year 1990.

Level - 3 (Significant recordkeeping violation)
Extent - Significant (901 gallons of fluid)
Penalty - \$9,000 (\$6,000 plus 50% for prior violation)

COUNT III

No annual document for calendar year 1989.

Level - 3 (Significant recordkeeping violation)
Extent - Significant (901 gallons of fluid)
Penalty - \$9,000 (\$6,000 plus 50% for prior violation)

COUNT IV

No annual document for calendar years 1983-88.

Level - 3 (Significant recordkeeping violation)
Extent - Significant (901 gallons of fluid)
Penalty - \$9,000 (\$6,000 plus 50% for prior violation)

COUNT V

A cardboard box was stored within three feet of a G.E. Pyranol transformer (SN H887303) in violation of 761.30(a)(1)(viii).

Level - 4 (Minor use violation)
Extent - Minor (156 gallons of fluid)
Penalty - \$1,500 (\$1,000 plus 50% for prior violation)

COUNT VI

The facility stored PCB debris and PCB capacitors for disposal for more than thirty days as shown on manifest document No. AT15M. A section 761.65(b) storage facility is required for storing these materials. Generators storing PCB waste subject to 761.65(b) are required to notify U.S. EPA of their PCB waste handling activity. At the time of the inspection, the facility had not notified U.S. EPA of its PCB waste handling activity as required by 40 C.F.R. § 761.205(a)(2)

Level - 1 (Failure to notify)
Extent - Significant (2,329 kg PCB waste)
Penalty - \$25,500 (\$17,000 plus 50% for prior violation)

Description of Alleged Violator:

Marion Steel is a small scale steel mill (800,000 square feet, 358 employees), which melts scrap metal to produce billets. The facility was established in 1869 and became Marion Steel in 1981.

INITIAL PENALTY ASSESSMENT

<u>REGULATION</u>	<u>REQUIREMENT</u>	<u>PENALTY</u>
761.180(a)	Recordkeeping	\$36,000
761.30(a)(1)(viii)	Use	1,500
761.205(a)(2)	Notification	<u>25,500</u>
	Total Penalty.....	\$63,000